

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CHEAPSKATE CHARLIE'S LLC, et al.,
Plaintiffs,

v.

LOUISIANA-PACIFIC CORPORATION,
Defendant.

LOUISIANA-PACIFIC CORPORATION,
Third-Party Plaintiff,

v.

MEADOW RIVER LUMBER COMPANY,
et al.,
Third-Party Defendants.

Case No. [13-cv-05888-JCS](#)

**ORDER DENYING AS MOOT MOTION
TO DISMISS THIRD-PARTY
COMPLAINT AND VACATING
HEARING**

Re: Dkt. No. 58

Louisiana-Pacific Corporation, the defendant in the underlying action, filed a Third-Party Complaint against Meadow River Lumber Company and Calvin D. Garland (the “Garland Parties”). Dkt. 50. On August 29, 2014, the Garland Parties filed a Motion to Dismiss the Third-Party Complaint. Dkt. 58. In response, Louisiana-Pacific filed an Amended Third-Party Complaint (Dkt. 63) pursuant to Rule 15(a)(1)(B) of the Federal Rules of Civil Procedure. The Court finds the Garland Parties’ Motion suitable for disposition without oral argument, and **vacates the hearing scheduled for October 17, 2014.** *See* Civil L.R. 7-1(b). **The time of the Case Management Conference is changed to 2:00 p.m. on October 17, 2014.**

“[T]he general rule is that an amended complaint supercedes the original complaint and renders it without legal effect” *Lacey v. Maricopa County*, 693 F.3d 896, 927 (9th Cir. 2012) (en banc). Accordingly, “[d]ismissal of the superseded original [third-party] complaint would not alter the proceedings . . . as the parties would continue to litigate the merits of the claims contained

in the now-operative First Amended [Third-Party] Complaint.” *See Liberi v. Defend Our*
Freedoms Founds., Inc., 509 F. App’x 595, 596 (dismissing as moot appeal of denial of an anti-
 SLAPP motion regarding a superseded complaint). The Court therefore DENIES AS MOOT the
 Garland Parties’ Motion.¹ If the Garland Parties wish to challenge Louisiana-Pacific’s Amended
 Third-Party Complaint, they may file a new motion to dismiss.

IT IS SO ORDERED.

Dated: September 24, 2014


 JOSEPH C. SPERO
 United States Magistrate Judge

United States District Court
 Northern District of California

¹ All parties have consented to the jurisdiction of the undersigned magistrate judge pursuant to 28 U.S.C. § 636(c).